

HOUSE BILL 1524
EMERGENCY BILL

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2004 Regular Session
4lr3226
CF 4lr3175

By: **The Speaker and the Minority Leader (By Request - Administration)**

Introduced and read first time: March 8, 2004

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City School System Authority**

3 FOR the purpose of establishing and providing for the membership of the Baltimore
4 City Public School System Authority (the Authority); terminating the Baltimore
5 City Board of School Commissioners; declaring that because of a certain fiscal
6 emergency in the Baltimore City Public School System (the school system) and
7 in order to ensure the return of fiscal solvency to the school system, the General
8 Assembly finds that it is necessary to create a certain Authority to exercise
9 certain rights, duties, powers, and responsibilities until a certain time;
10 providing for the membership, appointment, and removal of members of the
11 Authority; providing for the purpose of the Authority; requiring the Authority to
12 be held accountable for a certain standard of academic achievement and certain
13 financial management of the school system; requiring the Authority to be
14 responsible for all functions relating to the school system; authorizing the
15 Authority to adopt certain rules and regulations; authorizing the Authority to
16 unilaterally modify, abrogate, or adopt certain contract provisions so long as any
17 modifications, abrogations, or adoptions are not effective before a certain time
18 under certain circumstances; requiring the Authority to establish a certain
19 position ceiling for the school system; requiring the Authority to approve a
20 certain comprehensive master plan by a certain date under certain
21 circumstances; requiring the Authority to prepare a certain monthly report to be
22 submitted to certain entities; requiring the Authority to consult with a certain
23 board of school commissioners on the development of a certain budget; requiring
24 the State to provide a loan of a certain amount to the school system; providing
25 for the repayment of a certain loan to the school system; requiring a certain
26 master plan to include certain actions necessary to provide for an effective
27 system for planning for construction, repair, and maintenance services for
28 certain school buildings, including a certain review by the Authority under
29 certain circumstances; requiring the Authority to approve in writing certain
30 procurement contracts; establishing the Baltimore City Board of School
31 Commissioners (the Board); providing for the membership, terms,
32 qualifications, and the chairman of the Board; requiring that the Board
33 appointed on a certain date serve as an advisory board to the Authority on the
34 development of a certain budget; providing for the purpose of the Board;
35 requiring the Board be held accountable for a certain standard of academic

1 achievement and maintaining fiscal solvency of the school system; requiring a
2 certain master plan to include certain actions necessary to provide for an
3 effective system for planning for construction, repair, and maintenance services
4 for certain school buildings, including a certain review by the Board under
5 certain circumstances; requiring the Board to approve in writing certain
6 procurement contracts; requiring that the members of the Authority be
7 appointed within a certain amount of time following the enactment of this Act;
8 requiring the Authority to develop a certain fiscal resolution plan within a
9 certain amount of time following the enactment of this Act; providing for the
10 terms of the initial voting members of the Board; providing for a delayed
11 effective date for certain provisions of this Act; providing for the termination of
12 certain provisions of this Act; repealing certain provisions of law; altering
13 certain definitions; making this Act an emergency measure; and generally
14 relating to the Baltimore City Public School System.

15 BY renumbering

16 Article - Education
17 Section 3-108.2
18 to be Section 3-108.3
19 Annotated Code of Maryland
20 (2001 Replacement Volume and 2003 Supplement)

21 BY repealing

22 Article - Education
23 Section 3-108.1 and 4-303
24 Annotated Code of Maryland
25 (2001 Replacement Volume and 2003 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article - Education
28 Section 1-101(d), 3-108(a), 4-301, 4-302, 4-304 through 4-306.1, 4-306.2,
29 4-306.3, 4-307 through 4-313, and 4-316 through 4-319
30 Annotated Code of Maryland
31 (2001 Replacement Volume and 2003 Supplement)

32 BY adding to

33 Article - Education
34 Section 3-108.1, 3-108.2, 4-303, and 4-303.1
35 Annotated Code of Maryland
36 (2001 Replacement Volume and 2003 Supplement)

37 BY repealing and reenacting, with amendments,

38 Article - Education
39 Section 3-108(a)
40 Annotated Code of Maryland

1 (2001 Replacement Volume and 2003 Supplement)
2 (As enacted by Section 3 of this Act)

3 BY repealing and reenacting, with amendments,
4 Article - Education
5 Section 3-108(a)
6 Annotated Code of Maryland
7 (2001 Replacement Volume and 2003 Supplement)
8 (As enacted by Section 4 of this Act)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
10 MARYLAND, That Section(s) 3-108.2 of Article - Education of the Annotated Code of
11 Maryland be renumbered to be Section(s) 3-108.3.

12 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3-108.1 and
13 4-303 of Article - Education of the Annotated Code of Maryland be repealed.

14 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
15 read as follows:

16 **Article - Education**

17 1-101.

18 (d) "County board" means the board of education of a county and includes the
19 Baltimore City [Board of School Commissioners] PUBLIC SCHOOL SYSTEM
20 AUTHORITY.

21 3-108.

22 (a) Except for the Baltimore City [Board of School Commissioners] PUBLIC
23 SCHOOL SYSTEM AUTHORITY established under § 3-108.1 of this subtitle, the New
24 Prince George's County Board of Education established under [§ 3-108.2] § 3-108.3 of
25 this subtitle, and counties listed in § 3-114 of this subtitle, the Governor shall appoint
26 the members of each county board from the residents of that county.

27 3-108.1.

28 (A) IN THIS SECTION, "AUTHORITY" MEANS THE BALTIMORE CITY PUBLIC
29 SCHOOL SYSTEM AUTHORITY.

30 (B) THERE IS A BALTIMORE CITY PUBLIC SCHOOL SYSTEM AUTHORITY.

31 (C) THE AUTHORITY CONSISTS OF SIX MEMBERS:

32 (1) THREE VOTING MEMBERS APPOINTED BY THE GOVERNOR, ONE OF
33 WHOM SHALL SERVE AS CHAIR OF THE AUTHORITY AND AT LEAST ONE OF WHOM
34 SHALL BE A RESIDENT OF BALTIMORE CITY;

1 (2) TWO VOTING MEMBERS APPOINTED BY THE MAYOR OF BALTIMORE
2 CITY, AT LEAST ONE OF WHOM SHALL BE A RESIDENT OF BALTIMORE CITY; AND

3 (3) THE STATE SUPERINTENDENT WHO SHALL SERVE AS A NONVOTING
4 MEMBER.

5 (D) A MEMBER MAY BE REMOVED BY THE PERSON WHO APPOINTED THE
6 MEMBER.

7 (E) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE AUTHORITY
8 SHALL REFLECT THE DEMOGRAPHIC COMPOSITION OF BALTIMORE CITY.

9 (F) EACH MEMBER OF THE AUTHORITY SERVES WITHOUT COMPENSATION.

10 (G) ANY ACTION OF THE AUTHORITY SHALL REQUIRE:

11 (1) A QUORUM OF A MAJORITY OF THE MEMBERS THEN SERVING; AND

12 (2) THE AFFIRMATIVE VOTE OF A MAJORITY OF THE VOTING MEMBERS
13 THEN SERVING.

14 4-301.

15 (a) In this subtitle the following words have the meanings indicated.

16 (b) ["Board" means the Baltimore City Board of School Commissioners of the
17 Baltimore City Public School System] "AUTHORITY" MEANS THE BALTIMORE CITY
18 PUBLIC SCHOOL SYSTEM AUTHORITY.

19 (c) "Bonds" means revenue bonds, refunding bonds, certificates, notes,
20 demand notes, commercial paper, other evidence of indebtedness, and, where
21 applicable, bond anticipation notes.

22 (d) "Chief Executive Officer" means the Chief Executive Officer [of the
23 Baltimore City Board of School Commissioners] OF THE BALTIMORE CITY PUBLIC
24 SCHOOL SYSTEM.

25 (e) "Costs" as applied to any project means all costs of the project, including:

26 (1) The cost of acquisition, construction, reconstruction, equipping,
27 maintenance, repair, and renovation;

28 (2) The cost of acquisition of all land, rights-of-way, property rights,
29 easements, and interests acquired by the [Board] AUTHORITY;

30 (3) Finance charges and interest prior to and during construction and for
31 1 year after completion of construction;

32 (4) The cost of architectural, engineering, and legal expenses, plans,
33 specifications, feasibility studies, surveys, estimates of costs and revenue, and other

1 expenses necessary or desirable for determining the feasibility or practicability of
2 construction of any project;

3 (5) Reserves for the payment of debt service, operating reserves, and
4 repair and replacement funds; and

5 (6) Administrative expenses and other expenses necessary or allocable to
6 any project, the financing or refinancing of any project, the issuance of bonds, and the
7 placing of any project in operation.

8 (f) "Project" means the acquisition, construction, reconstruction, equipping,
9 maintenance, repair, or renovation of any public school facility.

10 (g) "Public school facility" means a building, parking facility, athletic facility,
11 testing facility, or other facility in the City of Baltimore, now existing or hereafter
12 acquired or constructed, that is used by the [Board] AUTHORITY in relation to the
13 education of students in the Baltimore City Public School System.

14 4-302.

15 Subject to the applicable provisions of this article and the master plan adopted
16 by the [Board] AUTHORITY under § 4-309 of this subtitle, the Mayor and City
17 Council of Baltimore City shall establish and maintain a system of free public schools
18 in Baltimore City.

19 4-303.

20 (A) THE GENERAL ASSEMBLY FINDS THAT BECAUSE OF THE FISCAL
21 EMERGENCY CONFRONTING THE CURRENT BALTIMORE CITY PUBLIC SCHOOL
22 SYSTEM AND IN ORDER TO ENSURE THE RETURN OF FISCAL SOLVENCY TO THE
23 BALTIMORE CITY PUBLIC SCHOOL SYSTEM, IT IS NECESSARY TO CREATE THE
24 AUTHORITY TO EXERCISE UNTIL DECEMBER 31, 2005, ALL THE RIGHTS, DUTIES,
25 POWERS, AND RESPONSIBILITIES FORMERLY PERFORMED BY THE BALTIMORE CITY
26 BOARD OF SCHOOL COMMISSIONERS.

27 (B) THE PURPOSE OF THE AUTHORITY IS TO:

28 (1) RAISE THE LEVEL OF ACADEMIC ACHIEVEMENT OF THE STUDENTS
29 IN THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM; AND

30 (2) IMPROVE THE MANAGEMENT AND ADMINISTRATION OF THE
31 BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

32 (C) THE AUTHORITY SHALL BE HELD ACCOUNTABLE FOR:

33 (1) THE ACADEMIC ACHIEVEMENT OF THE PUBLIC SCHOOL STUDENTS
34 IN BALTIMORE CITY;

35 (2) THE FINANCIAL MANAGEMENT OF THE BALTIMORE CITY PUBLIC
36 SCHOOL SYSTEM; AND

1 (3) ACHIEVING AND MAINTAINING FISCAL SOLVENCY.

2 (D) (1) THE AUTHORITY SHALL BE RESPONSIBLE FOR ALL FUNCTIONS
3 RELATING TO THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

4 (2) THE AUTHORITY MAY ADOPT RULES AND REGULATIONS AND
5 PRESCRIBE POLICIES AND PROCEDURES FOR MANAGEMENT, MAINTENANCE,
6 OPERATION, AND CONTROL OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

7 (3) THE AUTHORITY MAY NOT BE DEEMED AN AGENCY OF THE STATE.

8 (E) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND IN
9 ADDITION TO ANY OTHER POWERS, THE AUTHORITY MAY UNILATERALLY MODIFY OR
10 ABROGATE SUCH CONTRACTUAL PROVISIONS OR ADOPT NEW PROVISIONS THAT,
11 ALONG WITH OTHER COST CONTAINMENT MEASURES, THE AUTHORITY DETERMINES
12 ARE NECESSARY TO RENDER THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM
13 FISCALLY SOLVENT ON OR BEFORE DECEMBER 31, 2005.

14 (2) IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE
15 AUTHORITY MAY CONSIDER AND APPROVE MODIFICATIONS, ABROGATIONS, AND
16 NEW PROVISIONS AT ANY TIME BUT THE MODIFICATIONS, ABROGATIONS, OR NEW
17 PROVISIONS MAY NOT BE EFFECTIVE PRIOR TO JULY 1, 2004.

18 (F) (1) THE AUTHORITY SHALL ESTABLISH A POSITION CEILING FOR THE
19 BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

20 (2) THE AUTHORITY MUST APPROVE ALL NEW POSITIONS WITHIN THE
21 CEILING ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

22 (G) (1) THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM AUTHORITY SHALL
23 DEVELOP A FISCAL RESOLUTION PLAN THAT SHALL SPECIFICALLY IDENTIFY:

24 (I) BUDGET REDUCTIONS TO BE MADE IN FISCAL YEAR 2004; AND

25 (II) THE MEANS FOR BECOMING FISCALLY SOLVENT ON OR
26 BEFORE DECEMBER 31, 2005, AND THEREAFTER.

27 (2) THE FISCAL RESOLUTION PLAN REQUIRED UNDER PARAGRAPH (1)
28 OF THIS SUBSECTION SHALL BE SUBMITTED TO:

29 (I) THE STATE BOARD;

30 (II) THE GOVERNOR;

31 (III) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY;

32 (IV) THE BOARD OF PUBLIC WORKS; AND

33 (V) THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF
34 THE STATE GOVERNMENT ARTICLE.

1 (H) ON OR BEFORE AUGUST 1, 2004, THE AUTHORITY SHALL APPROVE A
2 COMPREHENSIVE MASTER PLAN AS REQUIRED UNDER § 4-309 OF THIS SUBTITLE
3 AND § 5-401 OF THIS ARTICLE THAT ALIGNS THE FISCAL RESOLUTION PLAN
4 REQUIRED TO BE PREPARED BY THE AUTHORITY WITH GOALS, OBJECTIVES, AND
5 STRATEGIES FOR IMPROVING STUDENT ACHIEVEMENT.

6 (I) (1) IN ADDITION TO ANY OTHER REPORTS REQUIRED TO BE SUBMITTED
7 UNDER THIS ARTICLE, THE AUTHORITY SHALL PREPARE A MONTHLY REPORT THAT
8 INCLUDES:

9 (I) AN EVALUATION OF THE LEVEL OF ACTUAL AND PROJECTED
10 REVENUES AND EXPENSES;

11 (II) PROJECTIONS OF ANY BUDGET SHORTFALL FOR THE CURRENT
12 FISCAL YEAR;

13 (III) THE STATUS OF THE FISCAL RESOLUTION PLAN REQUIRED
14 UNDER SUBSECTION (G) OF THIS SECTION; AND

15 (IV) ANY ADDITIONAL INFORMATION THAT IS MATERIAL TO
16 EVALUATING THE FISCAL CONDITION OF THE BALTIMORE CITY PUBLIC SCHOOL
17 SYSTEM.

18 (2) THE MONTHLY REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS
19 SUBSECTION SHALL BE SUBMITTED TO:

20 (I) THE STATE BOARD;

21 (II) THE GOVERNOR;

22 (III) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY;

23 (IV) THE BOARD OF PUBLIC WORKS; AND

24 (V) THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF
25 THE STATE GOVERNMENT ARTICLE.

26 (J) THE AUTHORITY MAY DELEGATE DUTIES TO THE BOARD OF SCHOOL
27 COMMISSIONERS THAT THE AUTHORITY DETERMINES ARE APPROPRIATE.

28 4-303.1.

29 (A) THE STATE SHALL PROVIDE A LOAN IN THE AMOUNT OF \$42,000,000 TO
30 THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

31 (B) THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM SHALL REPAY THE LOAN
32 AT AN ANNUAL RATE OF INTEREST OF 1.5% PAYABLE IN EQUAL MONTHLY
33 INSTALLMENTS BY DECEMBER 31, 2005.

34 (C) IF A REQUIRED PAYMENT UNDER SUBSECTION (B) OF THIS SECTION IS
35 NOT MADE WITHIN 60 DAYS AFTER A SCHEDULED REPAYMENT DATE, THE STATE

1 COMPTROLLER SHALL PAY THE DEFAULTED LOAN PAYMENT OF PRINCIPAL AND
2 INTEREST BY WITHHOLDING THAT AMOUNT FROM THE NEXT AVAILABLE
3 INSTALLMENT DUE THE AUTHORITY FROM THE GENERAL STATE SCHOOL FUND
4 MONEYS.

5 4-304.

6 (a) There is a Chief Executive Officer of the [Board] BALTIMORE CITY PUBLIC
7 SCHOOL SYSTEM.

8 (b) The Chief Executive Officer shall:

9 (1) Be responsible for the overall administration of the Baltimore City
10 Public School System;

11 (2) Report directly to the [Board] AUTHORITY;

12 (3) Be a member of the cabinet of the Mayor; and

13 (4) Designate individuals with primary responsibility for each of the
14 following functions:

15 (i) Management and administration of the Baltimore City Public
16 School System;

17 (ii) Assessment and accountability of the academic performance of
18 the students in the Baltimore City Public School System;

19 (iii) Provision of services to students with disabilities in accordance
20 with federal and State law;

21 (iv) Development and implementation of initiatives for educational
22 reform; and

23 (v) Professional hiring and development.

24 (c) Notwithstanding the provisions of subsection (b)(4) of this section, the
25 Chief Executive Officer and the [Board] AUTHORITY shall be held accountable for the
26 delegated functions.

27 (d) The [Board] AUTHORITY shall employ the Chief Executive Officer and
28 establish the salary of the Chief Executive Officer at an amount commensurate with
29 the credentials, experience, and prior positions of responsibility of the Chief Executive
30 Officer.

31 (e) The employment contract of the Chief Executive Officer shall provide, at a
32 minimum, that continued employment is contingent on demonstrable improvement in
33 the academic performance of the students in the Baltimore City Public School System
34 and the successful management of the Baltimore City public schools.

35 (f) The initial contract and any renewal may not exceed 4 years.

1 4-305.

2 (a) There is a Chief Academic Officer in the Baltimore City Public School
3 System who shall:

4 (1) Be responsible for the development and implementation of the
5 curriculum taught and the instruction provided in the Baltimore City Public School
6 System; and

7 (2) Report directly to the Chief Executive Officer.

8 (b) The Chief Executive Officer shall, subject to the approval of the [Board]
9 AUTHORITY:

10 (1) Select the Chief Academic Officer; and

11 (2) Establish the salary of the Chief Academic Officer.

12 (c) The employment contract of the Chief Academic Officer shall provide, at a
13 minimum, that continued employment is contingent on demonstrable improvement in
14 the academic performance of the students in the Baltimore City Public School
15 System.

16 (d) The Chief Academic Officer is not a public officer under the Constitution or
17 the laws of the State.

18 4-306.

19 (a) There is a Chief Financial Officer in the Baltimore City Public School
20 System who shall:

21 (1) Be responsible for the day-to-day management and oversight of the
22 fiscal affairs of the Baltimore City Public School System; and

23 (2) Report directly to the Chief Executive Officer.

24 (b) The Chief Executive Officer shall, subject to the approval of the [Board]
25 AUTHORITY:

26 (1) Select the Chief Financial Officer; and

27 (2) Establish the salary of the Chief Financial Officer.

28 (c) The employment contract of the Chief Financial Officer shall provide that
29 continued employment is contingent on the effective fiscal management of the
30 Baltimore City public schools.

31 (d) The Chief Financial Officer is not a public officer under the Constitution or
32 the laws of the State.

1 4-306.1.

2 (a) In order to provide public school facilities, the [Board] AUTHORITY may:

3 (1) Acquire, construct, reconstruct, equip, maintain, repair, or renovate
4 facilities at any location in the City of Baltimore, now existing or hereafter acquired;

5 (2) Issue bonds in accordance with § 4-306.2 of this subtitle;

6 (3) In accordance with State law and the June 24, 1998, memorandum of
7 understanding between the Board OF SCHOOL COMMISSIONERS and the Mayor and
8 City Council of Baltimore, acquire, hold, and dispose of real and personal property in
9 the exercise of its powers and the performance of its duties under this subtitle;

10 (4) Enter into all contracts and agreements necessary or incidental to
11 the performance of its duties and the execution of its powers under this subtitle,
12 employ consulting engineers, architects, attorneys, construction and financial
13 experts, and other employees and agents, and determine their compensation;

14 (5) Receive and accept from the United States of America or any agency
15 of the federal government grants and loans for the purpose of financing or refinancing
16 all or any part of the costs of any project;

17 (6) Receive and accept aid or contributions from any sources of money,
18 property, labor, or other things of value, to be held, used, and applied for the purposes
19 for which the grants and contributions were made; and

20 (7) Perform all acts and things necessary to carry out the powers
21 expressly granted by the provisions of this subtitle.

22 (b) The [Board] AUTHORITY shall maintain records identifying the sources
23 and amounts of payments used to support the costs of any project authorized under
24 the provisions of this subtitle.

25 4-306.2.

26 (a) The [Board] AUTHORITY may issue bonds for the purpose of financing or
27 refinancing all or any part of the costs of any project.

28 (b) The aggregate principal amount of bonds outstanding, including the
29 amount of any reserve fund requirement established for the bonds, may not exceed, as
30 of the date that the bonds are issued, \$75,000,000.

31 (c) Bonds shall be authorized by a resolution of the [Board] AUTHORITY and
32 may be secured by a trust agreement by and between the [Board] AUTHORITY and a
33 corporate trustee or trustees which may be any trust company or bank having the
34 powers of a trust company within or outside of the State.

35 (d) Before the [Board] AUTHORITY may issue a bond under this section, the
36 Mayor and City Council of Baltimore shall pass a resolution approving the [Board's]

1 AUTHORITY'S issuance of the bond and shall forward that resolution to the [Board]
2 AUTHORITY.

3 (e) The resolution of the [Board] AUTHORITY authorizing the bonds:

4 (1) Shall describe the projects which are to be financed or refinanced by
5 the bond;

6 (2) Shall state the maximum principal amount of the bond;

7 (3) Shall describe the sources of payment of the bonds;

8 (4) Shall provide that the proceeds of the bonds shall be invested in
9 accordance with any investment policy approved by the [Board] AUTHORITY; and

10 (5) May provide that the bonds are redeemable before maturity at a price
11 or prices and under terms and conditions or in accordance with a method determined
12 by the [Board] AUTHORITY.

13 (f) The resolution of the [Board] AUTHORITY or the trust agreement relating
14 to the bonds may contain provisions that:

15 (1) Limit the purpose to which the proceeds of any issue of bonds may be
16 applied and restrict the investment of revenues or bond proceeds in government
17 obligations for which principal and interest are unconditionally guaranteed by the
18 United States of America;

19 (2) Provide for the issuance of additional bonds to finance or refinance
20 any projects, which may not exceed the total value of the outstanding bonds allowed
21 under subsection (b) of this section;

22 (3) Assign all or any part of the [Board's] AUTHORITY'S funds or assets;

23 (4) Protect and enforce the rights and remedies of the bondholders that
24 are reasonable and proper and not in violation of the law, including covenants that
25 shall include:

26 (i) The duties of the [Board] AUTHORITY in relation to the project;

27 (ii) The duties of the [Board] AUTHORITY in relation to its funds;

28 (iii) The custody, safeguarding, and application of all moneys; and

29 (iv) The rights and remedies of bondholders and trustees, and may
30 restrict the individual right of action by bondholders; and

31 (5) The [Board] AUTHORITY deems reasonable and proper for the
32 security of the bondholders, including covenants pertaining to the issuance of
33 additional parity bonds upon stated conditions.

34 (g) The bonds shall:

1 (1) Be dated and bear interest at the fixed or variable rate or rates
2 determined by the method provided in the resolution of the [Board] AUTHORITY
3 authorizing the issuance of the bonds;

4 (2) Mature at a time or times not exceeding the useful life of the projects
5 for which the bonds are issued, but in no event shall the maturity of the bonds exceed
6 15 years from their date or dates of issue, as may be determined by the [Board]
7 AUTHORITY;

8 (3) Be issued at, above, or below par value, for cash or other valuable
9 consideration;

10 (4) Be payable at a time or times, in the denominations and form, either
11 coupon or registered or both, and carry the registration and privileges as to
12 conversion and for the replacement of mutilated, lost, or destroyed bonds as the
13 resolution of the [Board] AUTHORITY may provide;

14 (5) Bear the manual or facsimile signature of the Chief Executive Officer
15 or one of the other members of the [Board] AUTHORITY. In case any officer whose
16 manual or facsimile signature appears on any bonds or coupons ceases to be an officer
17 before the delivery of the bonds, the signature or facsimile of the former officer is
18 valid and sufficient for all purposes as if the officer had remained in office until
19 delivery;

20 (6) Bear the official seal of the [Board] AUTHORITY or a facsimile of the
21 seal affixed to the bonds and attested by the manual or facsimile signature of the
22 secretary of the [Board] AUTHORITY;

23 (7) Be payable in lawful money of the United States of America at a
24 designated place;

25 (8) Be subject to the terms of purchase, payment, redemption, refunding,
26 or refinancing that the resolution of the [Board] AUTHORITY provides; and

27 (9) Be sold in the manner and upon the terms determined by the
28 [Board] AUTHORITY including private or negotiated sale.

29 (h) All bonds issued under the provisions of this subtitle shall have all the
30 qualities and incidents of negotiable instruments under the laws of the State relating
31 to negotiable instruments.

32 (i) Prior to the preparation of definitive bonds, the [Board] AUTHORITY,
33 under like restrictions, may issue interim receipts or temporary bonds, with or
34 without coupons, exchangeable for definitive bonds when the bonds are executed and
35 available for delivery.

36 (j) (1) Bonds may be issued under the provisions of this subtitle:

37 (i) Without obtaining the consent of any department, division,
38 commission, board, bureau, or agency of the State; or

1 (ii) Without any other proceedings or the occurrence of any other
2 conditions other than those proceedings or conditions that are required specifically by
3 provisions of this subtitle.

4 (2) The provisions of Title 8, Subtitle 2 of the State Finance and
5 Procurement Article do not apply to bonds issued under the provisions of this subtitle.

6 (k) The [Board] AUTHORITY shall establish one or more trust funds for the
7 deposit of the proceeds of the bonds of any issue.

8 (l) The [Board] AUTHORITY may:

9 (1) Maintain separate accounts for purposes of identifying the sources of
10 payment of the bonds for the acquisition, development, or improvement of public
11 school facilities; and

12 (2) Retain the interest revenue or other investment income from the
13 bonds of any issue for the purposes of applying the revenue or income to the costs of
14 acquiring, constructing, reconstructing, renovating, equipping, maintaining, or
15 repairing school facilities.

16 (m) (1) Any bond issued under this subtitle shall state on its face that the
17 bond does not create or constitute any indebtedness or obligation of the State, of the
18 Mayor and City Council of Baltimore, or of any other political subdivision of the State,
19 except the Baltimore City [Board of School Commissioners] PUBLIC SCHOOL SYSTEM
20 AUTHORITY.

21 (2) The bonds do not constitute a debt or obligation contracted by the
22 General Assembly or pledge the faith and credit of the State within the meaning of
23 Article III, § 34 of the Maryland Constitution.

24 (n) The bonds of any issue shall be payable from and secured solely by:

25 (1) All or any part of the fees or revenues generated by an activity of the
26 [Board] AUTHORITY to the extent lawfully available for such purpose;

27 (2) The proceeds of the bonds and investment earnings thereon;

28 (3) Any grant or gift received by the [Board] AUTHORITY to the extent
29 lawfully available for such purpose;

30 (4) Reserves or other funds established for the bonds under the
31 resolution or trust agreement;

32 (5) Any moneys which may lawfully be applied to the payment of the
33 bonds, including without limitation any appropriation by the State or Baltimore City
34 made lawfully available for such purpose; or

35 (6) Any source of funds to which the [Board] AUTHORITY has access to
36 the extent lawfully available for such purpose.

1 (o) Prior to and during construction and for 1 year after completion of
2 construction of any public school facility for which bonds have been issued, the
3 interest on the bonds may be paid out of the proceeds of the bonds or out of other
4 moneys allocated for that purpose.

5 (p) (1) The [Board] AUTHORITY may provide, from time to time, for the
6 issuance and sale of bond anticipation notes in accordance with the procedures set
7 forth in Article 31, § 12 of the Code for the issuance of bonds.

8 (2) Except where the provisions of this subtitle would be inapplicable to
9 bond anticipation notes, the term "bonds" used in this subtitle shall include bond
10 anticipation notes, including the provisions pertaining to the exemption from taxation
11 by the State and its political subdivisions.

12 (q) In connection with the issuance of any bonds, the [Board] AUTHORITY
13 may:

14 (1) Obtain or enter into agreements and contracts for bond insurance,
15 reserve fund insurance, a letter of credit, a line of credit, or any form of additional,
16 substitute, or replacement security for any bonds; and

17 (2) Pledge or assign all or any part of the funds of the [Board]
18 AUTHORITY to the repayment or reimbursement of the provider of the bond
19 insurance, reserve fund insurance, letter of credit, line of credit, or other form of
20 additional, substitute, or replacement security.

21 (r) Any of the agreements and contracts may contain the covenants, terms,
22 and conditions as may be contained in any trust agreement for any bonds.

23 (s) Any bank or trust company incorporated under the laws of the State that
24 acts as a depository of the proceeds of the bonds may furnish indemnifying bonds or
25 pledge securities as required by the [Board] AUTHORITY.

26 (t) The resolution providing for the issuance of bonds is a trust agreement if it
27 so stipulates.

28 (u) All expenses incurred in carrying out the provisions of any trust agreement
29 or any resolution may be treated as a part of the cost of the operations of the [Board]
30 AUTHORITY.

31 (v) Upon the issuance of bonds, the State Comptroller shall withhold from any
32 installment due the [Board] AUTHORITY from the general State school fund moneys
33 for deposit to the credit of a sinking fund maintained to pay the principal and interest
34 on the bonds. Such moneys shall be withheld until the bonds are no longer
35 outstanding and unpaid and shall be withheld in installments. The amount of each
36 installment shall be determined at the time the bonds are issued and shall be
37 provided in writing by the [Board] AUTHORITY to the State Comptroller, provided
38 that the frequency and amount of such installments shall allow for the timely
39 payment of the principal and interest on the bonds.

1 4-306.3.

2 (a) The exercise of the powers granted by the provisions of this subtitle shall
3 be for the benefit of the students who attend the public schools under the [Board]
4 AUTHORITY and for the improvement of their education, prosperity, health, living
5 conditions, and general welfare.

6 (b) The [Board] AUTHORITY shall not be required to pay any taxes or
7 assessments of any kind whatsoever and its bonds, their transfer, the interest payable
8 on them, and any income derived from them, including any profit realized in their
9 sale or exchange, shall be exempt at all times from every kind and nature of taxation
10 by the State or by any of its political subdivisions, municipal corporations, or public
11 agencies of any kind.

12 4-307.

13 (a) There is a Research and Evaluation Unit in the Baltimore City Public
14 School System.

15 (b) Subject to the approval of the [Board] AUTHORITY, the Chief Executive
16 Officer shall appoint the Director of the Unit.

17 (c) The Director of the Unit shall report directly to the Chief Executive Officer
18 and shall be held accountable for the effective and efficient management of the Unit.

19 (d) The Director of the Unit is not a public officer under the Constitution or
20 the laws of the State.

21 (e) The Unit shall perform ongoing research and evaluation regarding
22 systemic reform and student achievement.

23 4-308.

24 (a) (1) There is a Parent and Community Advisory Board in the Baltimore
25 City Public School System.

26 (2) The Advisory Board consists of 14 members, a majority of whom shall
27 be parents of students enrolled in the Baltimore City public schools.

28 (3) (i) The plaintiffs (parents of students with disabilities) in Vaughn
29 G., et al v. Mayor and City Council, et al case no. MJG-84-1911, United States
30 District Court for the District of Maryland shall appoint three members of the
31 Advisory Board.

32 (ii) The plaintiffs (parents of students in general education) in
33 Bradford, et al v. Maryland State Board of Education, et al, case no.
34 94340058/CE189672, Circuit Court for Baltimore City shall appoint two members of
35 the Advisory Board.

1 (iii) Subject to the approval of the [Board] AUTHORITY, the Chief
2 Executive Officer shall appoint seven members of the Advisory Board as follows:

3 1. Three shall be appointed from a list submitted by the
4 Baltimore City Council of Parent-Teacher Associations;

5 2. Two shall be appointed from a list submitted by
6 area-based parent networks; and

7 3. Two shall be appointed from a list submitted by the Title I
8 liaisons.

9 (iv) The Chief Executive Officer shall appoint two members of the
10 Advisory Board from other parent and community groups in Baltimore City.

11 (4) If one of the groups specified in paragraph (3)(iii) of this subsection
12 fails to submit a list with a sufficient number of nominees to fill a position, the
13 [Board] AUTHORITY shall appoint an individual from other parent and community
14 groups in Baltimore City.

15 (b) The [Board] AUTHORITY and the Chief Executive Officer shall:

16 (1) Regularly consult with the Advisory Board;

17 (2) Ensure parental involvement in the development and
18 implementation of the education policies and procedures in the Baltimore City Public
19 School System; and

20 (3) Ensure increased community involvement and outreach in support of
21 the public schools in the city.

22 (c) The Chief Executive Officer shall meet with the Parent and Community
23 Advisory Board on at least a quarterly basis.

24 (d) (1) Each member serves for a term of 2 years.

25 (2) A member may not serve for more than two consecutive terms.

26 (3) A member whose term has expired shall remain in office until a
27 successor is appointed.

28 4-309.

29 (a) (1) On or before June 1, 2002, the Chief Executive Officer shall submit a
30 5-year comprehensive master plan to the Board OF SCHOOL COMMISSIONERS for its
31 review, modification, and final approval.

32 (2) On or before August 30, 2002, the Board OF SCHOOL
33 COMMISSIONERS shall approve and commence implementation of the master plan.

1 (3) Following approval of the master plan or by July 30, 2002, whichever
2 is earlier, the master plan shall be submitted to the State Board and to the State
3 Superintendent for their review and approval.

4 (4) The Chief Executive Officer or designee shall consult with parents,
5 teachers, students, representatives of the business community, and educational
6 instruction and administration experts during the course of the development of the
7 master plan.

8 (5) The master plan shall be updated annually and submitted to the
9 State Board and the State Superintendent for review and approval on or before July
10 1 of each year.

11 (6) Notwithstanding any other provision of law or regulation, the master
12 plan requirement shall be the sole master plan required of the Baltimore City Public
13 School System.

14 (b) The master plan shall provide for the improvement of:

15 (1) Student achievement in the Baltimore City public schools; and

16 (2) The management and accountability of the Baltimore City Public
17 School System.

18 (c) The master plan shall identify the actions necessary to:

19 (1) Incorporate the key recommendations of the 1992 Towers
20 Perrin/Cresap Management Study report, the 1994 and 1995 MGT of America, Inc.
21 reports, and the report on the December, 2001 final evaluation of the City-State
22 Partnership prepared by Westat;

23 (2) Address both the compliance efforts as well as the system's efforts to
24 achieve full organizational and instructional integration of special education and
25 general education including the quality indicators that will be used to evaluate the
26 extent of integration and its impact on student performance;

27 (3) Provide a balanced and efficient allocation of qualified staff to
28 support the necessary educational and managerial functions of the school system and
29 include in an annual status report on the implementation of the master plan a
30 qualitative and fiscal analysis of the staffing of key central and area office functions;

31 (4) Provide effective curriculum and instructional programs for the
32 Baltimore City Public School System including the development and dissemination of:

33 (i) A citywide curriculum framework reflecting State learning
34 outcomes, including Maryland School Performance Program standards, and an
35 appropriate developmental sequence for students;

36 (ii) An effective program that involves school-based practitioners
37 including teachers, mentors, master teachers, and instructional support teachers, as

1 well as the exclusive employee organization representatives in the design and
2 implementation of high quality, differentiated professional development activities
3 derived from analysis of student performance needs and that complies with the
4 National Staff Development Council Standards for content, context, and process; and

5 (iii) An effective educational program for meeting the needs of
6 students at risk of educational failure;

7 (5) Review the requirement of a demonstrated student achievement
8 portfolio for the performance-based evaluation system for teachers and principals
9 and incorporate design modifications that will enhance teacher and principal
10 investment in the evaluation instrument;

11 (6) Provide effective management information systems for the Baltimore
12 City Public School System, including the capacity to accurately track student
13 enrollment, attendance, academic records, discipline records, and compliance with the
14 provisions of the federal Individuals with Disabilities Education Act;

15 (7) Provide an effective financial management and budgeting system for
16 the Baltimore City Public School System to ensure the maximization and appropriate
17 utilization of all available resources;

18 (8) Provide effective hiring and assignment of teachers and staff;

19 (9) Develop an effective system of providing instructional materials and
20 support services;

21 (10) Develop and evaluate model school reform initiatives;

22 (11) Develop a process with timelines to govern the distribution of student
23 test data to area executive officers and to principals, as well as the central office
24 resources that will be provided to school level practitioners to validate and analyze
25 the student test data;

26 (12) Provide appropriate methods for student assessment and
27 remediation;

28 (13) Develop and implement a student code of discipline as required in §
29 7-306 of this article;

30 (14) Incorporate the school system's facilities master plan including
31 information about projects currently underway as well as those planned pursuant to
32 the capital improvement program and update this information annually as the
33 master plan is updated;

34 (15) PROVIDE AN EFFECTIVE SYSTEM FOR PLANNING AND PROVIDING
35 FOR CONSTRUCTION, REPAIR, AND MAINTENANCE SERVICES FOR SCHOOL
36 BUILDINGS THAT SHALL INCLUDE A REVIEW BY THE AUTHORITY TO ASSURE THE
37 MOST EFFICIENT AND PRODUCTIVE USE OF THE SYSTEM'S RESOURCES, INCLUDING

1 EXAMINATION AND REDUCTION OF THE COST OF UNDERUTILIZED SCHOOLS AND
2 PROPOSALS FOR SCHOOL MERGERS OR CLOSURES IF APPROPRIATE;

3 [(15)] (16) Develop a program to train principals and assistant principals
4 in methods of increasing parental involvement at the school level, including strategies
5 for connecting parents to the instructional program of the school and for measuring
6 the level of parental involvement through meaningful indicators;

7 [(16)] (17) Include measurable outcomes and time lines for the
8 implementation and evaluation of the reforms made in accordance with the master
9 plan and the reporting of this information to the Governor, the Mayor of Baltimore
10 City, and, in accordance with § 2-1246 of the State Government Article, the General
11 Assembly;

12 [(17)] (18) Improve the status of schools that are subject to a State
13 reconstitution notice;

14 [(18)] (19) Develop an effective system of teacher input regarding
15 implementation of school reform initiatives, curriculum, instruction, and professional
16 development that includes active and ongoing consultation with classroom teachers at
17 the elementary, middle, and high school levels; and

18 [(19)] (20) Institute a formal procedure by which the directors of each of
19 the school system's mentoring programs, including React, Blum, and Peer Mentoring,
20 will provide semi-annual reports to the Board and senior management concerning
21 the perspectives of the mentoring programs.

22 4-310.

23 (a) Notwithstanding any provision of local law, the [Board] AUTHORITY shall:

24 (1) [adopt] ADOPT rules and regulations governing the procurement of
25 goods and services by the Baltimore City Public School System in accordance with §
26 5-112 of this article; AND

27 (2) APPROVE IN WRITING ANY PROCUREMENT CONTRACT FOR GOODS
28 OR SERVICES WITH A VALUE GREATER THAN \$15,000.

29 (b) The [Board] AUTHORITY shall adopt the Minority Business Enterprise
30 and Women Business Enterprise goals of Baltimore City relating to procurement.

31 4-311.

32 (a) (1) Notwithstanding any provision of local law, the [Board] AUTHORITY
33 shall establish a personnel system governing certificated and noncertificated
34 employees, including a performance-based system-wide personnel evaluation system
35 for teachers, principals, and administrators.

36 (2) To carry out the requirements of this section, the [Board]
37 AUTHORITY may:

- 1 (i) Establish and abolish positions;
- 2 (ii) Determine employee qualifications;
- 3 (iii) Establish terms of employment, including compensation,
4 benefits, holiday schedules, and leave policies; and
- 5 (iv) Determine any other matters concerning employees.

6 (b) The personnel system shall provide fair and equitable procedures for:

- 7 (1) The redress of employee grievances; and
- 8 (2) The hiring, promotion, and termination of employees in accordance
9 with law.

10 4-312.

11 The [Board] AUTHORITY shall enter into collective bargaining agreements with
12 the appropriate employee organizations as provided under Title 6, Subtitles 4 and 5 of
13 this article.

14 4-313.

15 (a) By December 31 of each year [and on June 30, 2002], the Chief Executive
16 Officer and the [Board] AUTHORITY shall issue an annual report that includes:

- 17 (1) [A] AN AUDITED financial statement;
- 18 (2) A comprehensive accounting of progress in the implementation of the
19 transition plan or master plan including:
 - 20 (i) Assessment of student performance by the categories required
21 by the Maryland School Performance Program standards; and
 - 22 (ii) Specific assessment of the extent of implementation of each
23 item included in § 4-309 of this subtitle, and any changes necessary in previously
24 established timelines;
- 25 (3) Sources of income and payments of debt service on any bonds issued
26 by the [Board] AUTHORITY in accordance with § 4-306.2 of this subtitle;
- 27 (4) Anticipated sources and amounts of payments of debt service on any
28 bonds issued by the [Board] AUTHORITY in accordance with § 4-306.2 of this
29 subtitle; and
- 30 (5) Any other information as required by State law.

31 (b) (1) The State Board of Education and State Superintendent of Schools
32 shall review each annual report and comment on the progress made towards
33 achieving both managerial and educational goals.

1 (2) The General Assembly shall consider the reports and the comments
2 or recommendations of the State Board and Superintendent before approving the
3 State budget each year.

4 4-316.

5 (a) Notwithstanding any provision of local law and subject to the applicable
6 provisions of this article, the [Baltimore City Board of School Commissioners]
7 AUTHORITY may:

8 (1) Examine, appoint, and remove teachers;

9 (2) Set teacher qualifications;

10 (3) Set teacher salaries; and

11 (4) Select textbooks for the public schools in Baltimore City, except that
12 the textbooks may not contain anything of a sectarian or partisan character.

13 (b) (1) The [Baltimore City Board of School Commissioners] AUTHORITY
14 shall report annually to the State Board on the condition of the schools under its
15 jurisdiction.

16 (2) The report shall include a statement of:

17 (i) Expenditures;

18 (ii) The number of children taught; and

19 (iii) Any other statistical information the State Board requires.

20 4-317.

21 After a study has been completed to determine whether to close a public school
22 in Baltimore City, the Chief Executive Officer shall inform the Mayor of Baltimore
23 City and the members of the General Assembly who represent Baltimore City
24 regarding the completed study at the same time that the study is submitted to the
25 [Baltimore City Board of School Commissioners] AUTHORITY.

26 4-318.

27 (a) In this section, "Baltimore City school police officer" means any person
28 who, when acting in an official capacity, is authorized by law to make arrests and who
29 is a member of the Baltimore City School Police Force.

30 (b) There is a Baltimore City School Police Force.

31 (c) The members of the Baltimore City School Police Force shall be employees
32 of and be appointed by the [Baltimore City Board of School Commissioners]
33 AUTHORITY.

1 (d) (1) Except as provided in paragraph (3) of this subsection, a Baltimore
2 City school police officer has all the powers of a law enforcement officer in the State.

3 (2) (i) A Baltimore City school police officer may act in an official
4 capacity only on the premises of schools and any other property used for educational
5 purposes owned, leased, or operated by, or under the control of the [Baltimore City
6 Board of School Commissioners] AUTHORITY.

7 (ii) A Baltimore City school police officer may not act in an official
8 capacity on any other property unless:

- 9 1. Engaged in fresh pursuit of a suspected offender;
- 10 2. Requested or authorized to do so by the Police
11 Commissioner of Baltimore City;
- 12 3. The exercise of power is necessary to facilitate the orderly
13 flow of traffic to and from property owned, leased, operated by, or under the control of
14 the Baltimore City School System; or
- 15 4. Ordered to do so by the Mayor of Baltimore City.

16 (3) (i) Notwithstanding any other provision of law, a Baltimore City
17 school police officer whose permanent or temporary assignment is at a school or on
18 school property may carry a firearm on the premises of the school to which the officer
19 is assigned before or after regular school hours on school days and on days other than
20 school days.

21 (ii) The [Baltimore City Board of School Commissioners]
22 AUTHORITY shall establish policies to implement the provisions of subparagraph (i) of
23 this paragraph.

24 (e) (1) In consultation with the Maryland Police Training Commission, the
25 Civil Service Commission of Baltimore City shall adopt:

26 (i) Requirements for education, training, human and public
27 relations skills, and moral character that an applicant must meet to qualify for
28 employment as a Baltimore City school police officer; and

29 (ii) Standards for the performance of duties.

30 (2) Any requirements adopted by the Civil Service Commission on or
31 after July 1, 1991 may not affect the status of any individual who is a qualified
32 Baltimore City school police officer on that date.

33 (f) The [Baltimore City Board of School Commissioners] AUTHORITY shall
34 adopt regulations governing the:

- 35 (1) Operation of the Baltimore City School Police Force; and
- 36 (2) Conduct of each Baltimore City school police officer.

1 (g) This section does not:

2 (1) Make a Baltimore City school police officer a member of the
3 Baltimore City Police Department; or

4 (2) Affect the salary, benefits, or retirement program of an employee of
5 Baltimore City or the [Baltimore City Board of School Commissioners] AUTHORITY.
6 4-319.

7 (a) (1) In this section the following words have the meanings indicated.

8 (2) "Baltimore City School System" means the system of free public
9 schools in Baltimore City.

10 (3) "Center" means the Baltimore City Alternative Learning Center.

11 (b) There is a Baltimore City Alternative Learning Center in the Baltimore
12 City School System.

13 (c) (1) The Chief Executive Officer of the Baltimore City [Board of School
14 Commissioners] PUBLIC SCHOOL SYSTEM shall appoint a Director of the Center.

15 (2) The Director may employ a staff or retain consultants, including
16 psychologists, social workers, guidance counselors, and teachers.

17 (d) (1) Except as otherwise provided in § 7-305(f) of this article, a student in
18 the Baltimore City School System may be transferred to the Center if the student:

19 (i) Assaults a teacher, teacher's aide, student teacher, other
20 professional or paraprofessional school employee, or other student;

21 (ii) Carries a gun, rifle, knife, or other deadly weapon onto school
22 property; or

23 (iii) Commits any other act that would be a crime if committed by an
24 adult.

25 (2) The Director shall review recommendations for admission of students
26 to the Center and admit or deny admission for each student based on an assessment
27 of the student's amenability to the services, programs, and treatment available in the
28 Center.

29 (e) (1) Subject to paragraph (2) of this subsection, a student who is admitted
30 to the Center shall attend classes at the Center until the Director orders the student
31 to be transferred to another school in the Baltimore City School System.

32 (2) A student may not attend the Center for more than one calendar year.

33 (f) The Director shall develop and provide the following programs within the
34 Center:

- 1 (1) Elementary and secondary education programs;
- 2 (2) Special education programs that meet the social and emotional needs
3 of the students at the Center and that require the participation of the parents or
4 guardians of the students; and
- 5 (3) Vocational and rehabilitative training programs.

6 (g) The Chief Executive Officer shall report annually to the members of the
7 Baltimore City Delegation in the General Assembly on the progress of the students in
8 the Center.

9 SECTION 4. AND BE IT FURTHER ENACTED, That the laws of Maryland
10 read as follows:

11 **Article - Education**

12 3-108.

13 (a) Except for the Baltimore City [Public School System Authority] BOARD OF
14 SCHOOL COMMISSIONERS AND THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM
15 AUTHORITY established under [§ 3-108.1] §§ 3-108.1 AND 3-108.2 of this subtitle, the
16 New Prince George's County Board of Education established under § 3-108.3 of this
17 subtitle, and counties listed in § 3-114 of this subtitle, the Governor shall appoint the
18 members of each county board from the residents of that county.

19 3-108.2.

20 (A) IN THIS SECTION, "BOARD" MEANS THE BALTIMORE CITY BOARD OF
21 SCHOOL COMMISSIONERS OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

22 (B) THERE IS A BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS OF THE
23 BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

24 (C) THE BOARD CONSISTS OF:

25 (1) NINE VOTING MEMBERS JOINTLY APPOINTED BY THE MAYOR OF
26 BALTIMORE CITY AND THE GOVERNOR FROM A LIST OF QUALIFIED INDIVIDUALS
27 SUBMITTED TO THE MAYOR AND THE GOVERNOR BY THE STATE BOARD; AND

28 (2) ONE VOTING STUDENT MEMBER APPOINTED AS PROVIDED IN
29 SUBSECTION (O) OF THIS SECTION.

30 (D) EACH MEMBER OF THE BOARD SHALL BE A RESIDENT OF BALTIMORE
31 CITY.

32 (E) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE BOARD SHALL
33 REFLECT THE DEMOGRAPHIC COMPOSITION OF BALTIMORE CITY.

1 (F) AT LEAST FOUR OF THE VOTING MEMBERS SHALL POSSESS A HIGH LEVEL
2 OF KNOWLEDGE AND EXPERTISE CONCERNING THE SUCCESSFUL ADMINISTRATION
3 OF A LARGE BUSINESS, NONPROFIT, OR GOVERNMENTAL ENTITY AND SHALL HAVE
4 SERVED IN A HIGH-LEVEL MANAGEMENT POSITION WITHIN SUCH AN ENTITY.

5 (G) AT LEAST THREE OF THE VOTING MEMBERS SHALL POSSESS A HIGH
6 LEVEL OF KNOWLEDGE AND EXPERTISE CONCERNING EDUCATION.

7 (H) AT LEAST ONE VOTING MEMBER SHALL BE A PARENT OF A STUDENT
8 ENROLLED IN THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM AS OF THE DATE OF
9 APPOINTMENT OF THE MEMBER.

10 (I) (1) AMONG THE NINE VOTING MEMBERS, AT LEAST ONE MEMBER SHALL
11 ALSO POSSESS KNOWLEDGE OR EXPERIENCE IN THE EDUCATION OF CHILDREN
12 WITH DISABILITIES.

13 (2) THE KNOWLEDGE OR EXPERIENCE MAY BE DERIVED FROM BEING
14 THE PARENT OF A CHILD WITH A DISABILITY.

15 (J) (1) THE TERM OF A VOTING MEMBER IS 4 YEARS.

16 (2) THE TERMS OF THE VOTING MEMBERS ARE STAGGERED AS
17 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2005.

18 (3) AT THE END OF A TERM, A VOTING MEMBER CONTINUES TO SERVE
19 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

20 (4) A VOTING MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
21 SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS
22 APPOINTED AND QUALIFIES.

23 (5) A VOTING MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE
24 FULL TERMS.

25 (6) TO THE EXTENT PRACTICABLE, THE GOVERNOR AND THE MAYOR OF
26 BALTIMORE CITY SHALL FILL ANY VACANCY ON THE BOARD WITHIN 60 DAYS OF THE
27 DATE OF THE VACANCY FROM A LIST OF QUALIFIED INDIVIDUALS SUBMITTED TO
28 THE MAYOR AND THE GOVERNOR BY THE STATE BOARD.

29 (K) ON THE JOINT APPROVAL OF THE MAYOR OF BALTIMORE CITY AND THE
30 GOVERNOR, A MEMBER MAY BE REMOVED ONLY FOR CAUSE IN ACCORDANCE WITH §
31 3-108 OF THIS SUBTITLE.

32 (L) EACH MEMBER OF THE BOARD SERVES WITHOUT COMPENSATION.

33 (M) ON APPOINTMENT OF THE BOARD, THE GOVERNOR AND THE MAYOR OF
34 BALTIMORE CITY SHALL JOINTLY SELECT ONE OF THE VOTING MEMBERS TO SERVE
35 AS THE CHAIRMAN OF THE BOARD WHO SHALL SERVE THROUGH JUNE 30, 2007.

1 (N) BEGINNING ON JULY 1, 2007, AND EVERY 2 YEARS THEREAFTER, FROM
2 AMONG ITS VOTING MEMBERS THE BOARD SHALL ELECT A CHAIRMAN.

3 (O) (1) ONE STUDENT MEMBER SHALL BE A STUDENT ENROLLED IN THE
4 BALTIMORE CITY PUBLIC SCHOOL SYSTEM WHO SHALL BE SELECTED BY THE
5 ASSOCIATED STUDENT CONGRESS OF BALTIMORE CITY.

6 (2) THE TERM OF A STUDENT MEMBER IS 1 YEAR.

7 (3) A STUDENT MEMBER MAY NOT SERVE MORE THAN TWO
8 CONSECUTIVE FULL TERMS.

9 (4) THE STUDENT MEMBER MAY VOTE ON ALL MATTERS BEFORE THE
10 BOARD EXCEPT THOSE RELATING TO:

11 (I) PERSONNEL;

12 (II) CAPITAL AND OPERATING BUDGETS;

13 (III) SCHOOL CLOSINGS, REOPENINGS, AND BOUNDARIES;

14 (IV) COLLECTIVE BARGAINING DECISIONS;

15 (V) STUDENT DISCIPLINARY MATTERS; AND

16 (VI) APPEALS TO THE BOARD AS PROVIDED UNDER §§ 4-205 AND
17 6-202 OF THIS ARTICLE.

18 (5) THE STUDENT MEMBER MAY NOT ATTEND OR PARTICIPATE IN AN
19 EXECUTIVE OR SPECIAL SESSION OF THE BOARD.

20 (P) ANY ACTION BY THE BOARD SHALL REQUIRE:

21 (1) A QUORUM OF A MAJORITY OF THE VOTING MEMBERS THEN
22 SERVING; AND

23 (2) THE AFFIRMATIVE VOTE OF A MAJORITY OF THE VOTING MEMBERS
24 THEN SERVING.

25 (Q) THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS APPOINTED
26 ON JULY 1, 2005, SHALL ASSUME ANY DUTIES DELEGATED TO IT BY THE AUTHORITY.

27 SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland
28 read as follows:

29 **Article - Education**

30 3-108.

31 (a) Except for the Baltimore City Board of School Commissioners [and the
32 Baltimore City Public School System Authority] established under §§ 3-108.1 and

1 3-108.2 of this subtitle, the New Prince George's County Board of Education
2 established under § 3-108.3 of this subtitle, and counties listed in § 3-114 of this
3 subtitle, the Governor shall appoint the members of each county board from the
4 residents of that county.

5 4-303.

6 (A) IN ORDER TO ESTABLISH A RENEWED PARTNERSHIP BETWEEN THE CITY
7 OF BALTIMORE AND THE STATE TO IMPROVE THE QUALITY OF PUBLIC EDUCATION
8 IN BALTIMORE CITY AND TO ENCOURAGE MORE EFFICIENT USE OF THE RESOURCES
9 OF THE STATE AND BALTIMORE CITY, THE BALTIMORE CITY BOARD OF SCHOOL
10 COMMISSIONERS IS ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THIS
11 SUBTITLE.

12 (B) THE PURPOSE OF THE BOARD IS TO:

13 (1) RAISE THE LEVEL OF ACADEMIC ACHIEVEMENT OF THE STUDENTS
14 IN THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM;

15 (2) MAINTAIN EFFICIENT AND EFFECTIVE MANAGEMENT AND
16 ADMINISTRATION OF THE PUBLIC SCHOOL SYSTEM IN BALTIMORE CITY; AND

17 (3) MAINTAIN FISCAL SOLVENCY.

18 (C) THE BOARD SHALL BE HELD ACCOUNTABLE FOR:

19 (1) THE ACADEMIC ACHIEVEMENT OF PUBLIC SCHOOL STUDENTS IN
20 BALTIMORE CITY; AND

21 (2) MAINTAINING FISCAL SOLVENCY OF THE BALTIMORE CITY SCHOOL
22 SYSTEM.

23 (D) (1) THE BOARD SHALL BE RESPONSIBLE FOR ALL FUNCTIONS RELATING
24 TO THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

25 (2) THE BOARD MAY ADOPT RULES AND REGULATIONS AND PRESCRIBE
26 POLICIES AND PROCEDURES FOR MANAGEMENT, MAINTENANCE, OPERATION, AND
27 CONTROL OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM.

28 (3) THE BOARD MAY NOT BE DEEMED AN AGENCY OF THE STATE.

29 4-309.

30 (a) (1) On or before June 1, 2002, the Chief Executive Officer shall submit a
31 5-year comprehensive master plan to the Board for its review, modification, and final
32 approval.

33 (2) On or before August 30, 2002, the Board shall approve and commence
34 implementation of the master plan.

1 (3) Following approval of the master plan or by July 30, 2002, whichever
2 is earlier, the master plan shall be submitted to the State Board and to the State
3 Superintendent for their review and approval.

4 (4) The Chief Executive Officer or designee shall consult with parents,
5 teachers, students, representatives of the business community, and educational
6 instruction and administration experts during the course of the development of the
7 master plan.

8 (5) The master plan shall be updated annually and submitted to the
9 State Board and the State Superintendent for review and approval on or before July
10 1 of each year.

11 (6) Notwithstanding any other provision of law or regulation, the master
12 plan requirement shall be the sole master plan required of the Baltimore City Public
13 School System.

14 (b) The master plan shall provide for the improvement of:

15 (1) Student achievement in the Baltimore City public schools; and

16 (2) The management and accountability of the Baltimore City Public
17 School System.

18 (c) The master plan shall identify the actions necessary to:

19 (1) Incorporate the key recommendations of the 1992 Towers
20 Perrin/Cresap Management Study report, the 1994 and 1995 MGT of America, Inc.
21 reports, and the report on the December, 2001 final evaluation of the City-State
22 Partnership prepared by Westat;

23 (2) Address both the compliance efforts as well as the system's efforts to
24 achieve full organizational and instructional integration of special education and
25 general education including the quality indicators that will be used to evaluate the
26 extent of integration and its impact on student performance;

27 (3) Provide a balanced and efficient allocation of qualified staff to
28 support the necessary educational and managerial functions of the school system and
29 include in an annual status report on the implementation of the master plan a
30 qualitative and fiscal analysis of the staffing of key central and area office functions;

31 (4) Provide effective curriculum and instructional programs for the
32 Baltimore City Public School System including the development and dissemination of:

33 (i) A citywide curriculum framework reflecting State learning
34 outcomes, including Maryland School Performance Program standards, and an
35 appropriate developmental sequence for students;

36 (ii) An effective program that involves school-based practitioners
37 including teachers, mentors, master teachers, and instructional support teachers, as

1 well as the exclusive employee organization representatives in the design and
2 implementation of high quality, differentiated professional development activities
3 derived from analysis of student performance needs and that complies with the
4 National Staff Development Council Standards for content, context, and process; and

5 (iii) An effective educational program for meeting the needs of
6 students at risk of educational failure;

7 (5) Review the requirement of a demonstrated student achievement
8 portfolio for the performance-based evaluation system for teachers and principals
9 and incorporate design modifications that will enhance teacher and principal
10 investment in the evaluation instrument;

11 (6) Provide effective management information systems for the Baltimore
12 City Public School System, including the capacity to accurately track student
13 enrollment, attendance, academic records, discipline records, and compliance with the
14 provisions of the federal Individuals with Disabilities Education Act;

15 (7) Provide an effective financial management and budgeting system for
16 the Baltimore City Public School System to ensure the maximization and appropriate
17 utilization of all available resources;

18 (8) Provide effective hiring and assignment of teachers and staff;

19 (9) Develop an effective system of providing instructional materials and
20 support services;

21 (10) Develop and evaluate model school reform initiatives;

22 (11) Develop a process with timelines to govern the distribution of student
23 test data to area executive officers and to principals, as well as the central office
24 resources that will be provided to school level practitioners to validate and analyze
25 the student test data;

26 (12) Provide appropriate methods for student assessment and
27 remediation;

28 (13) Develop and implement a student code of discipline as required in §
29 7-306 of this article;

30 (14) Incorporate the school system's facilities master plan including
31 information about projects currently underway as well as those planned pursuant to
32 the capital improvement program and update this information annually as the
33 master plan is updated;

34 (15) PROVIDE AN EFFECTIVE SYSTEM FOR PLANNING AND PROVIDING
35 FOR CONSTRUCTION, REPAIR, AND MAINTENANCE SERVICES FOR SCHOOL
36 BUILDINGS THAT SHALL INCLUDE A REVIEW BY THE BOARD TO ASSURE THE MOST
37 EFFICIENT AND PRODUCTIVE USE OF THE SYSTEM'S RESOURCES, INCLUDING

1 EXAMINATION AND REDUCTION OF THE COST OF UNDERUTILIZED SCHOOLS AND
2 PROPOSALS FOR SCHOOL MERGERS OR CLOSURES IF APPROPRIATE;

3 [(15)] (16) Develop a program to train principals and assistant principals
4 in methods of increasing parental involvement at the school level, including strategies
5 for connecting parents to the instructional program of the school and for measuring
6 the level of parental involvement through meaningful indicators;

7 [(16)] (17) Include measurable outcomes and timelines for the
8 implementation and evaluation of the reforms made in accordance with the master
9 plan and the reporting of this information to the Governor, the Mayor of Baltimore
10 City, and, in accordance with § 2-1246 of the State Government Article, the General
11 Assembly;

12 [(17)] (18) Improve the status of schools that are subject to a State
13 reconstitution notice;

14 [(18)] (19) Develop an effective system of teacher input regarding
15 implementation of school reform initiatives, curriculum, instruction, and professional
16 development that includes active and ongoing consultation with classroom teachers at
17 the elementary, middle, and high school levels; and

18 [(19)] (20) Institute a formal procedure by which the directors of each of
19 the school system's mentoring programs, including React, Blum, and Peer Mentoring,
20 will provide semi-annual reports to the Board and senior management concerning
21 the perspectives of the mentoring programs.

22 4-310.

23 (a) Notwithstanding any provision of local law, the Board shall:

24 (1) [adopt] ADOPT rules and regulations governing the procurement of
25 goods and services by the Baltimore City Public School System in accordance with §
26 5-112 of this article; AND

27 (2) APPROVE IN WRITING ANY PROCUREMENT CONTRACT FOR GOODS
28 OR SERVICES WITH A VALUE GREATER THAN \$15,000.

29 (b) The Board shall adopt the Minority Business Enterprise and Women
30 Business Enterprise goals of Baltimore City relating to procurement.

31 4-313.

32 (a) By December 31 of each year [and on June 30, 2002], the Chief Executive
33 Officer and the Board shall issue an annual report that includes:

34 (1) [A] AN AUDITED financial statement;

35 (2) A comprehensive accounting of progress in the implementation of the
36 transition plan or master plan including:

1 (i) Assessment of student performance by the categories required
2 by the Maryland School Performance Program standards; and

3 (ii) Specific assessment of the extent of implementation of each
4 item included in § 4-309 of this subtitle, and any changes necessary in previously
5 established timelines;

6 (3) Sources of income and payments of debt service on any bonds issued
7 by the Board in accordance with § 4-306.2 of this subtitle;

8 (4) Anticipated sources and amounts of payments of debt service on any
9 bonds issued by the Board in accordance with § 4-306.2 of this subtitle; and

10 (5) Any other information as required by State law.

11 (b) (1) The State Board of Education and State Superintendent of Schools
12 shall review each annual report and comment on the progress made towards
13 achieving both managerial and educational goals.

14 (2) The General Assembly shall consider the reports and the comments
15 or recommendations of the State Board and Superintendent before approving the
16 State budget each year.

17 SECTION 6. AND BE IT FURTHER ENACTED, That the members of the
18 Baltimore City Public School System Authority shall be appointed within 7 days of
19 the enactment of this Act.

20 SECTION 7. AND BE IT FURTHER ENACTED, That, within 28 days of
21 enactment of this Act, the Baltimore City Public School System Authority shall
22 develop the fiscal resolution plan required in § 4-303(g) of the Education Article as
23 enacted by this Act.

24 SECTION 8. AND BE IT FURTHER ENACTED, That the terms of the initial
25 voting members of the Baltimore City Board of School Commissioners begin on July 1,
26 2005 and shall expire as follows:

27 (1) three members on June 30, 2006;

28 (2) three members on June 30, 2007; and

29 (3) three members on June 30, 2008.

30 SECTION 9. AND BE IT FURTHER ENACTED, That Sections 4 and 8 of this
31 Act shall take effect June 30, 2005.

32 SECTION 10. AND BE IT FURTHER ENACTED, That Section 3 of this Act
33 shall remain effective through December 31, 2005, and, at the end of December 31,
34 2005, with no further action required by the General Assembly, Section 3 of this Act
35 shall be abrogated and of no further force and effect.

1 SECTION 11. AND BE IT FURTHER ENACTED, That Section 5 of this Act
2 shall take effect on the taking effect of the termination provision specified in Section
3 10 of this Act. If that termination provision takes effect, Section 3 of this Act shall be
4 abrogated and of no further force and effect.

5 SECTION 12. AND BE IT FURTHER ENACTED, That this Act is an
6 emergency measure, is necessary for the immediate preservation of the public health
7 or safety, has been passed by a ye and nay vote supported by three-fifths of all the
8 members elected to each of the two Houses of the General Assembly, and, except as
9 provided in Sections 9 and 11 of this Act, shall take effect from the date it is enacted.